

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

TERRY GLEN MCCUTCHEON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. CIV-12-1067-L
	)	
CAROLYN W. COLVIN, Acting	)	
Commissioner of the Social	)	
Security Administration,	)	
	)	
Defendant.	)	

**ORDER**

On October 21, 2013, Magistrate Judge Shon T. Erwin entered his Report and Recommendation in this action brought by plaintiff Terry Glen McCutcheon for judicial review of the final decision of the Commissioner of the Social Security Administration denying his application for disability insurance benefits under the Social Security Act. The Magistrate Judge determined that the decision of the Commissioner should be reversed and remanded for further administrative proceedings consistent with the Report and Recommendation.

The court file reflects that no party has filed a written objection to the Report and Recommendation within the time limit allowed. The court concurs with the Magistrate Judge that the Administrative Law Judge's denial at the "not severe" step of the sequential evaluation process was not appropriate where, as here, the claimant cannot perform his past relevant work (driving heavy trucks

and machinery) because of certain features of that work which he can no longer perform due to the loss of sight in his left eye and the damage done to his right eye that has caused blurred and double vision. Doc. No. 19, pp. 6-7. Upon *de novo* review, the court finds that the Report and Recommendation should be and is hereby adopted in its entirety.

Accordingly, the decision of the Commissioner is **REVERSED** and this matter is **REMANDED for further proceedings**, consistent with the October 21, 2013 Report and Recommendation in this matter.

It is so ordered this 13th day of November, 2013.

  
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TIM LEONARD  
United States District Judge